

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-11705-NMG

JONATHAN GREEN

v.

**CITY OF BOSTON; EDWARD
DAVIS, in his capacity as Chief of the
Boston Police Dept.; TIMOTHY
MCCARTHY, individually and in his
official capacity as an Employee,
Agent, and/or Officer of the Boston
Police Department**

**DEFENDANTS, CITY OF BOSTON AND TIMONTHY MCCARTHY'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT OR IN THE ALTERNATIVE, MOTION TO
COMPEL PLAINTIFF TO PRODUCE DOCUMENTS AND ATTEND HIS
DEPOSITION**

Pursuant to Fed. R. Civ. P. 37(b) and 41(b), the Defendants, City of Boston and Timothy McCarthy respectfully move this Court to sanction Plaintiff with dismissal for his failure to appear at his deposition or in the alternative to enter an Order compelling the Plaintiff to attend his deposition within seven days of such Order. Further grounds in support of this motion are set forth in the Defendants' attached Memorandum.

[signature on next page]

Respectfully submitted,
DEFENDANT, CITY OF BOSTON and
TIMOTHY MCCARTHY
William F. Sinnott
Corporation Counsel
By their attorney:

/s/ Lisa Skehill Maki
Lisa Skehill Maki
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Certificate of Compliance With Local Rules 7.1 and 37.1

I hereby certify that, pursuant to Local Rules 7.1 and 37.1, on March 20, 2012, counsel for the Defendants attempted to confer with Plaintiff's counsel in a good faith effort to resolve or narrow the issues raised herein, and hereby certify that counsel for the Defendants also complied with the provisions of Local Rule 37.1 on that same date by attempting to confer with Plaintiff's counsel.

/s/ Lisa Skehill Maki
Lisa Skehill Maki

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on March 22, 2012.

/s/ Lisa Skehill Maki
Lisa Skehill Maki